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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3302 OF 2006

Parshuram Gupta .. Applicant

Versus

State of Maharashtra .. Respondent

Ms.Anjali Iyer for applicant

Ms.Rajeshree M. Gadhavi, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th September 2006

P.C.

. Heard learned Advocates for applicant and
the A.P.P. for State.

2. The A.P.P. states that the trial is now on, inasmuch as two witnesses have been examined on behalf of the prosecution.

3. Learned Counsel appearing for the applicant, would, however contend that the co-accused was enlarged on bail by this Court on 20th July 2006 and when the matter was already transferred to the fast track court.

4. Applicant is arrested in C.R.No.36 of 2006 on 21st January 2006. The offences punishable are under section 307, 341 and 34 I.P.C.

5. The complainant with three friends were proceeding towards the complainant's house. At that time four persons came there and out of them two were carrying fire-arm. First person fired on the complainant and the other person fired gunshot at Harjeet Singh. The other persons

obstructed complainant and, thereafter all the four persons ran away.

6. Learned Advocate for applicant submits that the co-accused Salim was attributed identical role in this incident and he has been enlarged on bail by this Court. It is not disputed by the A.P.P. In such circumstances, so also, the applicant contending that all that is recovered from him is cartridges, that too, after five days and the test identification parade was held after 18 days, prima facie, the applicant deserves to be enlarged on bail.

7. However, learned A.P.P. states that the applicant has in this application given particulars of his address but they are not sufficient inasmuch as the house number and details including whether the premises are situated at Goregaon East or West and on which road etc. are not disclosed.

8. Applicant's Advocate submits that the copy of ration card would show these details.

9. I am not satisfied with this material and only upon the applicant furnishing proof of his residence that he shall be released on bail. Accordingly following order:-

i) The applicant arrested in connection with C.R.No.36 of 2006 registered with Goregaon Police Station shall be enlarged on bail in the sum of Rs.15,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before the concerned investigating officer once a week till conclusion of the trial.

iii) The order of bail will be given

effect only after the applicant furnishes to the investigating officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)